



February 22, 2001

HOUSE BILL No. 1830

DIGEST OF HB 1830 (Updated February 21, 2001 9:39 AM - DI 69)

Citations Affected: IC 13-11; IC 13-19; IC 13-20; noncode.

Synopsis: Solid waste disposal. Allows the department of environmental management to prohibit the disposal or processing of specific solid waste at a solid waste disposal or processing facility. Removes references to "industrial waste" from the law pertaining to solid waste management. Provides that there is no solid waste disposal fee for solid waste disposed in a solid waste landfill permitted to accept restricted waste solely generated by the person to whom the permit is issued. Requires a generator of solid waste to notify a waste-to-energy facility when it ships certain types of solid waste in bulk quantities. Requires the solid waste management board to adopt rules to reflect the elimination and repeal of references to industrial waste and special waste. Repeals statutes relating to industrial waste.

Effective: July 1, 2001.

Wolkins, Weinzapfel

January 17, 2001, read first time and referred to Committee on Environmental Affairs.
February 21, 2001, amended, reported — Do Pass.

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HB 1830—LS 7636/DI 69+



February 22, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1830

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-133, AS AMENDED BY P.L.138-2000,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 133. (a) "Municipal waste", for purposes of:

- 4 (1) IC 13-20-4;
5 (2) IC 13-20-6;
6 (3) IC 13-20-21;
7 (4) IC 13-20-23;
8 (5) IC 13-22-1 through IC 13-22-8; and
9 (6) IC 13-22-13 through IC 13-22-14;

10 means any garbage, refuse, industrial lunchroom or office waste, and
11 other similar material resulting from the operation of residential,
12 municipal, commercial, or institutional establishments and community
13 activities.

14 (b) The term does not include the following:

- 15 ~~(1) Industrial waste (as defined in section 109.5 of this chapter);~~
16 ~~(2) (1) Hazardous waste regulated under:~~
17 (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through

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- 1 IC 13-22-14; or
 2 (B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et
 3 seq.), as in effect on January 1, 1990.
 4 ~~(3)~~ **(2)** Infectious waste (as defined in IC 16-41-16-4).
 5 ~~(4)~~ **(3)** Wastes that result from the combustion of coal and that are
 6 referred to in IC 13-19-3-3.
 7 ~~(5)~~ **(4)** Materials that are being transported to a facility for
 8 reprocessing or reuse.
 9 (c) As used in ~~subsection (b)(5)~~, **subsection (b)(4)**, "reprocessing
 10 or reuse" does not include either of the following:
 11 (1) Incineration.
 12 (2) Placement in a landfill.
 13 SECTION 2. IC 13-11-2-193 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 193. "Restricted
 15 waste", for purposes of IC 13-20-21, means waste disposed of at a
 16 restricted waste site (as defined in ~~329 IAC 2-2-1(b)(46)~~). **329**
 17 **IAC 10-2.5-1(b)(57))**.
 18 SECTION 3. IC 13-11-2-206 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 206. "Solid waste
 20 disposal facility", for purposes of **IC 13-19-3-8**, IC 13-20-4, and
 21 IC 13-20-6, means a facility at which solid waste is:
 22 (1) deposited on or beneath the surface of the ground as an
 23 intended place of final location; or
 24 (2) incinerated.
 25 SECTION 4. IC 13-11-2-208, AS AMENDED BY P.L.138-2000,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2001]: Sec. 208. "Solid waste landfill", for purposes of
 28 ~~IC 13-20-7-5~~, IC 13-20-9, **IC 13-20-21-6**, and IC 13-22-9, means a
 29 solid waste disposal facility at which solid waste is deposited on or
 30 beneath the surface of the ground as an intended place of final location.
 31 SECTION 5. IC 13-11-2-212 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 212. (a) "Solid waste
 33 processing facility", for purposes of **IC 13-19-3-8**, IC 13-20-4, and
 34 IC 13-20-6, means a facility at which at least one (1) of the following
 35 is located:
 36 (1) A solid waste incinerator.
 37 (2) A transfer station.
 38 (3) A solid waste baler.
 39 (4) A solid waste shredder.
 40 (5) A resource recovery system.
 41 (6) A composting facility.
 42 (7) A garbage grinding system.



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(b) The term does not include a facility or operation that generates solid waste.

SECTION 6. IC 13-19-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8. The department may modify a permit to prohibit the processing or disposal of specific solid waste at:**

(1) a solid waste disposal facility; or

(2) a solid waste processing facility.

SECTION 7. IC 13-20-1-1, AS AMENDED BY P.L.138-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, or a business association that in its regular business activity:

(1) produces solid ~~or industrial~~ waste as a byproduct of or incidental to its regular business activity; and

(2) disposes of the solid ~~or industrial~~ waste at a site that meets the following conditions that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to use by that individual, corporation, partnership, or business association for the disposal of solid ~~or industrial~~ waste produced by:

(i) that individual, corporation, partnership, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 8. IC 13-20-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9. (a) A generator that ships a solid waste in bulk quantities to a waste-to-energy facility must, before the facility accepts the solid waste, notify the facility if the solid waste meets any of the following criteria:**

(1) The solid waste contains:

(A) a volatile:

(i) liquid; or

(ii) solid;

(B) a powder;

(C) a flammable material;

(D) an allergen; or

(E) a sensitizer.

(2) The solid waste:

(A) was segregated from other solid waste; or

(B) received special preparation for shipment.



(3) The solid waste is a bulk material.

(4) The solid waste is a waste resulting directly from a manufacturing process.

(b) The notification under subsection (a) is required before each shipment by a generator of a solid waste in bulk quantities to a waste-to-energy facility.

SECTION 9. IC 13-20-21-6, AS AMENDED BY P.L.138-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. **(a)** For solid waste, the disposal fees are as follows:

	Fee
Municipal Solid waste disposed into a municipal solid waste landfill per ton	\$ 0.10
Industrial Solid waste disposed into a nonmunicipal solid waste landfill per ton	\$ 0.10
Municipal Solid waste disposed of at into an incinerator per ton	\$ 0.05
Construction\ Demolition Solid waste disposed into a construction\demolition waste site per ton	\$ 0.10

(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued.

SECTION 10. [EFFECTIVE JULY 1, 2001] **(a) The solid waste management board shall adopt rules under IC 4-22-2 before July 1, 2003, to reflect the elimination and repeal of:**

(1) references to industrial waste in this act; and

(2) references to special waste in SECTIONS 2, 5, 6, 7, 9, and 11 of P.L.138-2000.

(b) This SECTION expires July 1, 2003.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 13-11-2-109.5; IC 13-20-4-8; IC 13-20-7.5; P.L.138-2000, SECTION 10.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1830, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1830 as introduced.)

WEINZAPFEL, Chair

Committee Vote: yeas 12, nays 0.

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